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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,237	09/27/2001	Russell Miller	GSH 08-889792	2470

7590 06/04/2004  
Hayes, Soloway, Hennessey, Grossman & Hage, P.C.  
175 Canal Street  
Manchester, NH 03101

EXAMINER

TRAN, TAM D

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/965,237

Applicant(s)

MILLER ET AL.

Examiner

Tam D Tran

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Olson (USPN 6381036 B1)

In regard to claims 1, 12, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities (color device/color space), see col.9 lines 19-30, the user interface controller, see col.4 lines 53-56, comprising: a representation controller (Color Direction Legend 40) for presenting representation of each colour entity (color); see Fig.2, col.5 lines 9-17; and a relation indicator controller (Colorant Levels) for presenting one or more relation indicators indicating colour relation between the colour entities represented by the representations. See col.5 line 65- col.6 line 9.

2. In regard to claims 2, 14, 23, 28, 33, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the relation indicator

Art Unit: 2676

controller has a function to allow the user to select a relation indicator to manage the colour relation between colour entities that correspond to the relation indicator. See Fig.2, col.5 lines 9-25.

3. In regard to claims 3, 15, 24, 29, 34, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the relation indicator controller has a function to change the appearance of a relation indicator when the relation indicator is selected by the user. See Fig.2, col.4 lines 40-56.

4. In regard to claims 4, 16, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the relation indicator controller presents the relation indicators as arrow buttons, each arrow button representing a direction of use of colour settings of a corresponding colour entity. See Fig.2.

5. In regard to claims 5, 17, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the relation indicator controller presents colour relation indicators which are available for user's selection. See Fig.2.

6. In regard to claims 6, 18, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the relation indicator controller has a function to generate, in accordance with the selected relation indicator, colour matching data

Art Unit: 2676

indicating a colour entity whose colour settings is used for colour matching. See col.2 lines 64-67 and col.3 lines 1-13.

7. In regard to claims 7, 19, 25, 30, 35, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the representation controller has a function to associate the representation of each colour entity with a colour profile of the colour entity. See col.5 lines 51-64.

8. In regard to claims 8, 20, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the colour management system has a colour profile storage storing colour profiles of the colour entities, and the representation controller has a function to obtain the colour profile of each colour entity from the colour profile storage. See col.5 lines 51-64.

9. In regard to claim 9, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the representation controller has a function to present the colour profile of the colour entities. See Fig.2, col.5 lines 51-64.

10. In regard to claims 10, 21, 26, 31, 36, Olson teaches a colour management user interface controller for use in a colour management system for assisting users to manage colour settings of multiple colour entities, wherein the representation controller presents the representation of a colour entity in multi levels such that standard settings

Art Unit: 2676

are presented in a main level and detailed settings are presented in a secondary level.

See Fig.2.

11. In regard to claim 11, Olson teaches a colour management system for assisting users to manage colour settings of multiple colour entities, the colour management system comprising: a user interface controller for presenting colour relation between the multiple colour entities in accordance with colour relation setting input by a user; see Fig.2, col.5 lines 9-17; and a colour settings manager for controlling colour settings of the colour entities in accordance with the colour relation setting input by the user. See col.5 line 65- col.6 line 9.

12. In regard to claims 13, 22, 27, 32, Olson teaches a method for assisting colour management of multiple colour entities, the method comprising steps of: presenting representation of each colour entity; see Fig.2, col.5 lines 9-17; and presenting one or more relation indicators indicating colour relation between the colour entities represented by the representations. See col.5 line 65- col.6 line 9.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicants' argument that the reference fails to show certain features of applicants' invention, it is noted that the feature upon which applicant state "representaion to assist the user to manage colour settings of the colour entities", is not recited in the rejected claims filed in the previous amendment.

Art Unit: 2676

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is

**703-305-4196**. The examiner can normally be reached on **MON-FRI** from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matthew Bella** can be reached on **703-308-6829**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2676

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**


Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Tam Tran

*TT*  
Examiner

Art unit 2676



Kee M. Tung  
Primary Examiner